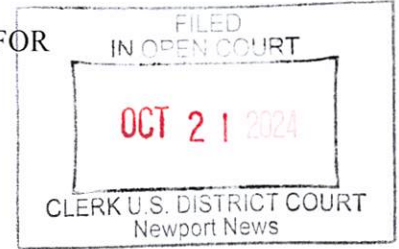


IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA

NEWPORT NEWS DIVISION



UNITED STATES OF AMERICA)

v.)

Criminal No. 4:23cr78

LEROY CLYBURN, III)

a/k/a "Bam", a/k/a "Clutch")

Defendant.)

STATEMENT OF FACTS

Comes now the United States and offers to the Court that had the above-styled matter proceeded to trial the United States would have proven the following facts beyond a reasonable doubt:

1. As early as 2023, LEROY CLYBURN, III was associating with known and unknown co-conspirators in the Eastern District of Virginia and began using and selling narcotics.

2. On or about November 4, 2023, Derrick Monte Ellis, a/k/a "Savage", a/k/a "TuSavage" ("coconspirator 1"), with the knowledge and assistance of other indicted and unindicted coconspirators, took cash and narcotics from another drug dealer ("DP") when they were all present at a location known as "the studio". CLYBURN was present at "the studio" on this date.

3. On or about February 6, 2024, a confidential informant ("CI") purchased approximately 4.02 gross grams of cocaine freebase from CLYBURN, in the parking lot of **74 North King Street, Hampton, Virginia. The purchase was monitored and recorded via electronic surveillance equipment.

4. On or about February 11, 2024, a CI purchased approximately 5.9 gross grams of cocaine freebase from CLYBURN, inside **74 North King Street, Hampton, Virginia, apartment

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**. The purchase was monitored and recorded via electronic surveillance equipment.

5. On or about February 26, 2024, a CI purchased approximately 5.9 gross grams of cocaine freebase from CLYBURN, inside **74 North King Street, Hampton, Virginia, apartment

**. The purchase was monitored and recorded via electronic surveillance equipment.

6. On or about February 29, 2024, a valid search warrant was executed at a residence associated with CLYBURN, **74 North King Street, Hampton, Virginia, apartment **. The following items were recovered, among other things:

- a. Multiple cell phones,
- b. Scales,
- c. 85 pharmaceutical pills, collected from multiple bottles,
- d. Two knotted bags of what was suspected to be a cutting agent,
- e. A broken glass smoking device with suspected narcotic residue, and
- f. Two Pyrex measuring cups with suspected narcotic residue.

7. On or about February 29, 2024, CLYBURN was arrested for multiple narcotic violations, search incident to arrest yielded approximately 6 gross grams of cocaine freebase from inside CLYBURN's right hand side jacket pocket.

8. CLYBURN was often with indicted and unindicted coconspirators at locations known to have narcotics and firearms at them. Throughout the conspiracy CLYBURN would facilitate obtaining narcotics, maintaining narcotics, or the sale of narcotics.

9. The acts taken by the defendant, LEROY CLYBURN, III, in furtherance of the offenses charged in this case, including the acts described above, were done willfully and knowingly and not by mistake or accident. The defendant acknowledges that the foregoing statement of facts covers the elements of the offense charged but does not describe all of the defendant's conduct

relating to the offenses charged in this case.

10. These events occurred in the Eastern District of Virginia.

Respectfully submitted,

JESSICA D. ABER
UNITED STATES ATTORNEY

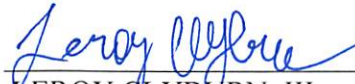
By:



Devon E.A. Heath
Assistant United States Attorney


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After consulting with my attorney, LEROY CLYBURN, III, hereby stipulates that the above Statement of Facts is a partial summary which is true and accurate, and that, had the matter proceeded to trial, the United States would have proved these facts beyond a reasonable doubt.



LEROY CLYBURN, III

I am LEROY CLYBURN, III's attorney, and I have carefully reviewed the above Statement of Facts with the defendant. To our knowledge, the decision to stipulate to these facts is an informed and voluntary one.



Julian David Bouchard, Esq.
Attorney for LEROY CLYBURN, III